

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	NOKIA CORPORATION		Date of Notification: Date: <u>15</u> Month: <u>2</u> Year: <u>2008</u>
Attorney:	DONG Xin		
Application No.:	200510104099.0		
Title of the Invention:	CHANNEL ALLOCATION METHOD AND DEVICE IN MOBILE SYSTEM AND A MOBILE SYSTEM BASE STATION		

Notification of the First Office Action

1. ☒ The applicant requested examination as to substance on _____ and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
- ☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.

2. ☒ The applicant claimed priority/priorities based on the application(s):

filed in FI on Oct. 15, 1998, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____.

- ☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.
- ☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.
- ☐ The application is a PCT continuation.

3. ☐ The applicant submitted amendments to the application on _____ and on _____, wherein the amended _____ submitted on _____ and the amended _____ submitted on _____ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law.

☐ Rule 51 of the Implementing Regulations of the Patent Law.

The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.

4. ☐ Examination as to substance was directed to the initial application documents as filed.

- ☒ Examination as to substance was directed to the documents as specified below:

claims 1-5, pages 1-7 of the description and drawings 1-2 filed on the date of filing of the divisional application, submitted _____,
 claims _____, pages _____ of the description and drawings _____, submitted _____,
 on _____ the drawings submitted on _____,
 claims _____, pages _____ of the description and pages _____ the drawings submitted on _____,
 abstract submitted on Sep. 16, 2005 and drawing for abstract submitted on Sep. 16, 2005.

5. ☐ This Notification is issued without search reports.

- ☒ This Notification is issued with consideration of the search results.

☒ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US 5699356A	Date: 16 Month: <u>12</u> Year: 1997
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The description does not comply with Article 33 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☐ The draft of the description does not comply with Rule 19 of the Implementing Regulations.

☒ On the Claims:

- ☒ Claim(s) 1 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 4,5 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 33 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 13 paragraph 1 of the Implementing Regulations.
- ☒ Claim(s) 2 does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 21 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 22 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
- ☐ Claim(s) _____ does not comply with the provisions of Rule 43 paragraph 1 of the Implementing Regulations.
- ☐ The divisional application does not comply with the provisions of Rule 43 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception

Divisions have no legal effect.

(4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 5 pages and the following attachments:

☒ 1 cited reference(s), totaling 11 pages.

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Examination Dept. 9 Examiner: LIU Juan

Seal of the Examination Department

Text of the Notification of the First Office Action
Application No. 200510104099.0

Y/R: 2980173CN/HM/IAK DIV
O/R: IIE054241

Text of the Notification of the First Office Action

This application is a divisional application of the application no. 99801843.0, filed on Oct. 13, 1999. The present application relates to a base station controller. After examination, the examiner presents the following comments:

1. Claim 1 does not possess the novelty as required by Article 22.2 of the Chinese Patent Law(CPL).

Claim 1 claims a base station controller. Reference 1 (US5699356A) discloses a base station controller, and in particular discloses the following technical features (see column 4 line 26 to column 5 line 44 of the specification of Reference 1): When a call request arrives at the base station, the base station sends a channel request message to the base station controller, then the base station controller assigns one of the available floating channels to the base station (equivalent to the expression of "control means...to allocate ...at least one of said channels to a base station for a call" in the claim.). The channel assignment is communicated back to the requesting base station so as to inform it the information on the allocated channel (equivalent to the expression of "...to transmit a predetermined message indicating the allocated channel to the base station to whom the channel is allocated" in the claim). The base station controller communicates with the base station through channels, and the channels used for communicating are allocated by the base station controller. According to the above disclosed technical features, those skilled in the art can further directly and unambiguously derive that, the base station controller must have a device for communicating with the base station, and there are a plurality of channels between the base station and the base station controller (equivalent to the expression of "a base station controller which comprises means for communicating with base stations via a plurality of channels between the base station controller and the base stations" in the claim); the base station controller must have a channel allocating control unit to accomplish the control function of allocating channels (equivalent to the fact that the channel allocating function in the base station controller is accomplished by control means (1) in the claim). Thus, it can be seen that, all the technical features as defined in Claim 1 have been disclosed by Reference 1, and the two technical solutions are the same. The technical solution as disclosed by Reference 1 and the technical solution as claimed by Claim 1 belong to the same technical field, solve the same technical problem, and attain the same technical effects. Therefore, the technical solution as claimed by Claim 1 does not possess novelty relative to Reference 1.

2. Claim 4, 5 does not possess the inventiveness as required by Article 22.3 of CPL.

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The additional technical feature of Claim 4 is in that, said message indicating the allocated channel also indicates a radio channel to be used in the call to the transceiver unit of the base station. However, Reference 1 discloses the following technical feature: the channel assignment is communicated back to the requesting base station so as to inform it the information on the allocated channel (see Column 4 Pages 51-62 of the specification of Reference 1). The distinctive technical feature of Claim 4 compared with the technical feature as disclosed by Reference 1 is in that, the additional technical feature of Claim 4 indicates that the message indicating the allocated channel is sent to the transceiver unit of the base station. This distinctive technical feature is a common technical measure in the art. The base station generally comprises a transceiver unit, and communicates with a user by the transceiver unit via the channel allocated by the base station controller. Therefore, the channel assignment sent by the base station controller to the base station is generally sent to the transceiver unit of the base station. Therefore, if the referenced Claim 1 does not possess novelty, Claim 4 does not possess prominent substantive feature and notable progress over the combination of Reference 1 and customary technical measures, and does not possess inventiveness.

The additional technical feature of Claim 4 is in that, said mobile system is the GSM system, and said message consists of a CHANNEL ACTIVATION message in accordance with the GSM specifications part 08.58, to which is added information on the channel allocated to the base station. This additional technical feature constitutes the distinctive technical feature of Claim 5 over Reference 1. However, this distinctive technical feature belongs to customary technical measure of those skilled in the art. The reason is in that, the base station controller may be generally applied in GSM, CDMA, GPRS, etc. system. When applied in GSM system, channel assignment is normally achieved by the CHANNEL ACTIVATION message. That is, the identification information of the channel to be allocated is sent by the CHANNEL ACTIVATION message. It is obvious for those skilled in the art to obtain the technical solution as defined in Claim 5 based on Reference 1 combined with the above described customary technical measure. Therefore, if the referenced Claim 1 does not possess novelty, Claim 5 does not possess prominent substantive feature and notable progress over the combination of Reference 1 and customary technical measures, and does not possess inventiveness.

3. Claim 2 does not comply with the provision of Rule 20.1 the IR(Implementing Regulations) of CPL.

The additional technical feature as defined in Claim 2 recites the expression of "primary channel" and "secondary channel", however, their meanings are not indicated in the specification. Therefore, those skilled in the art can not know what kind of channels belong to primary channel and what kind of channels belong to secondary channel, that is, can not judge a certain channel belongs to which kind of channel. Therefore, it causes the protection scope of this claim can not be determined, thus Claim 2 does not comply with the provision of Rule 20.1 the IRCPL.